

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARIO RODRIGUEZ-GOMEZ,

Defendant.

CIVIL ACTION

NO. 1:10-CR-103-2-CAP-GGB

O R D E R

This matter is currently before the court on the November 15, 2010, Final Report and Recommendation of the Magistrate Judge ("the R&R") [Doc. No. 69]. The court notes that the defendant has filed no objection to the R&R. After carefully considering the R&R [Doc. No. 69], the court ADOPTS all portions thereof except for Subsection II (A), titled "Defendant's cell phone was properly searched as a search incident to his arrest." Because of the independent grounds for denying the defendant's motion to suppress [Doc. No. 45] found in Subsection II (B) of the R&R, the court specifically does not address the issue of whether the defendant's cell phone was properly searched as a search incident to his arrest.

Accordingly, the defendant's motion to suppress [Doc. No. 45] is DENIED, and the defendant's preliminary motion to suppress Title III recorded phone conversations [Doc. No. 44] is deemed WITHDRAWN.

SO ORDERED, this 4th day of January, 2011.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
United States District Judge